COURT FEE 5 RS INDIA पांच रुपये FIVE RUPEES CANCELLED COURT FEE 5 RS INDIA पांच रुपये FIVE RUPEES

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IN THE HIGH COURT OF JUDICATURE AT BILASPUR

WRIT PETITION NO. 2383 / 2007

Chhattisgarh Grih Nirman Mandal : **PETITIONER**
(Known as Chhattisgarh HousingBoard) **DEFENDANT No.2**
Shankar Nagar,
RAIPUR (C.G.)

VERSUS

1) Dau Niranjan Lal Gupta : **RESPONDENTS**
S/o.Late Shri Mannulal Gupta, **PLAINTIFF**
Aged about 80 years,
Freedom Fighter, President of Kasaridih,
Civil Lines, DURG (C.G.)

2) State of Madhya Pradesh, **DEFENDANT No.1**
Through the Collector,
DURG (C.G.).

3) The State of Chhattisgarh, **DEFENDANT No.3**
Through the Secretary,
Housing & Environment,
D.K.S. Bhavan,
RAIPUR. (C.G.)

CERTIFIED COPY 418/07 Clerk to A.G. Bilaspur

WRIT PETITION UNDER ARTICLE 226 & 227 OF CONSTITUTION OF INDIA

(63)

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..W.P. 2383/04..... **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

10.5.2005

Shri R. S. Jayaswal, learned Sr. counsel with Shri Yogesh Pandey, learned counsel for the petitioner.

Shri Parag Kotecha, learned counsel for the Respondent No.1.

Shri Pankaj Shrivastava, learned Panel Lawyer for the Respondent No.3.

Heard.

Learned counsel for the petitioner submits that the defendant No.2 has filed three applications i.e. application under Order 6 Rule 17 of C.P.C. for amendment of the written statement, application for production of documents, and the application for notice to produce the documents.

The plaintiff filed his objection to the said applications on 2.7.2004. The contention of the petitioner is that the learned Second Additional District Judge to the Court of District Judge, Durg has passed the order rejecting applications filed by the defendant No.2 under Order 6 Rule 17 of the Code of Civil Procedure without assigning any reasons.

Learned counsels for the respondents submit that the applications filed by the defendant No.2 were belated. On perusal of the documents and the order passed by the Judge I do not find any reason ~~including~~ that the applications are

-2

(64)

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ....W.P. 2383/04..... **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

rejected on the ground of limitation as having been filed belatedly.

Having considered all the facts the petition is allowed, the order dated 12.7.2004 passed in M.J.C. No. 4/2000 is set-aside, and the matter is remanded back to the Court of Additional Judge to the Court of District Judge, Durg for deciding the applications on merits after recording the reasons for decision. It is made clear that the Judge concerned will consider the applications in accordance with law without being influenced by any of the observations made hereinabove.

Certified copy as per Rules.

Sd/-
Satish K. Agnihotri
Judge

Thakur

16.6.05